

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

3-18-16

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION

Report of Regular Meeting
Thursday, March 17, 2016
House Hearing Room 1 -- 9:00 a.m.

Convened 9:07 a.m.
Adjourned 10:54 a.m.

Members Present

Ms. Alston
Mr. Larkin
Mr. Lovas
Mr. Olson
Mr. Petersen
Mr. Saldate
Mr. Ackerley, Vice-Chairman
Mr. Thorpe, Chairman

Members Absent

Ms. Townsend

Agenda

Original Agenda – Attachment 1

Request to Speak

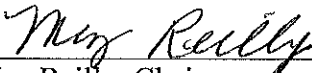
Report – Attachment 2

Presentations

| <u>Name</u> | <u>Organization</u> | <u>Attachments (Handouts)</u> |
|-------------|---------------------|-------------------------------|
|-------------|---------------------|-------------------------------|

Committee Action

| <u>Bill</u> | <u>Action</u> | <u>Vote</u> | <u>Attachments</u> (Summaries, Amendments, Roll Call, Attendance) |
|---------------------|---------------|-------------|--|
| SB1418 | DPA S/E | 8-0-0-1 | 3, 4, 5 |
| SB1166 | FAILED | 3-4-1-1 | 6, 7, 8 |
| HM2002 | DP | 5-3-0-1 | 9, 10 |
| ATTENDANCE SHEET | | | 11 |


Meg Reilly, Chairman Assistant
Friday, March 18, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Convened: 9:07 a.m.

REVISED #3 - 03/16/16

REVISED #3 - 03/16/16

REVISED #3 - 03/16/16

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session
REGULAR MEETING AGENDA

Adjourned: 10:54 a.m.

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION

DATE Thursday, March 17, 2016

ROOM HHR 1

TIME 9:00 A.M.

Members:

Ms. Alston
Mr. Larkin
Mr. Lovas

Mr. Olson
Mr. Petersen
Mr. Saldate

Ms. Townsend
Mr. Ackerley, Vice-Chairman
Mr. Thorpe, Chairman

| Bills | Short Title | Strike Everything Title |
|--------|---|--|
| SB1166 | <u>Filed</u> service animals; certification; registration; identification <u>3-4-11</u> (McGuire, Miranda; Dalessandro, et al) GHE, RULES | |
| SB1418 | <u>DPA/se</u> state museum; fees; rulemaking (Griffin) <u>8-0-0-1</u> GHE, RULES | S/E: relating to rulemaking fees; state museum |

ADDENDUM #1 - 03/15/16

| | | |
|--------|--|---|
| HM2002 | <u>DP</u> urging Congress; ninth circuit reform (Montenegro) <u>5-3-01</u> GHE, RULES | |
| SB1382 | <u>_____</u> committee of reference; standing committee (Borges, Allen J; Yee, et al) <u>_____</u> GHE, RULES | S/E: relating to Governor's statutory review committee S/E: relating to civil asset forfeiture |
| SB1519 | <u>_____</u> early ballots; collection; receipt (Dial) <u>_____</u> ELECT-w/d, GHE, RULES | S/E: relating to dispensaries; standards; merit based selection |

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

MR
3/16/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Government and Higher Education (3/17/2016)

SB1166, service animals; certification; registration; identification

Testified in support:

Todd House, representing self; Barbara Brandt, representing self; Cheryl Chase, representing self

Testified as opposed:

Donna Kruck, Ability360; Sarah Kader, representing self; Gary Karp, representing self; Emily Lopex, representing self

Support:

Courtney Gilstrap LeVinus, Arizona Multihousing Association; Paula Fuller-Walter, representing self; SuAnne Pinoniemi, representing self; Jane Harrington, representing self

Neutral:

Joyce Hill, representing self; Johnnie Rae Latham, representing self; Johnnie Rae Latham, representing self; Anthony Moreland, representing self; Melody Judd, representing self; Tom Judd, representing self; Bonnie Schoeneberger, representing self; Chianne Hower, AZ RESTAURANT AND HOSPITALITY ASSN

Oppose:

Deborah Kimmick, representing self; David Carey, Ability360; Edward Myers, representing self; Jay Gittrich, representing self; Sherri Collins, AZ Commission For The Deaf And Hard Of Hearing; Ellen Katz, William E. Morris Institute For Justice

All Comments:

Joyce Hill, Self: VFW has a neutral position on this bill; Donna Kruck, Ability360: Ability360 opposes this bill although we acknowledge there is a problem with non disabled people saying their pets are service dogs. This bill will put legitimate persons with disabilities, especially those with hidden disabilities that can be harmed; Edward Myers, Self: I oppose civil and criminal sanctions of this bill. It will allow business to go beyond two questions established by the DOJ. It will allow business to harass persons with hidden disabilities such as veterans with PTSD. Please vote no on SB1166.; Sarah Kader, Self: The Arizona Center for Disability Law opposes this bill.; Ellen Katz, William E. Morris Institute For Justice: Oppose new section J in the bill. This bill gives businesses do not want persons with disabilities and their service animals a tool to discriminate. Businesses will call the police and press charges against persons with disabilities.; Chianne Hower, AZ RESTAURANT AND HOSPITALITY ASSN: The Arizona Restaurant Association members would like a fix for problem of bad actors pretending to have service animals, however, we are not sure that this bill protects employers or really provides them any comfort.

SB1418, state museum; fees; rulemaking

Testified in support:

Philip Bashaw, GRAND CANYON STATE ELECTRIC COOP ASSN; Sabrina Vazquez, UNIVERSITY OF ARIZONA;
Alexander Ritchie, representing self

Support:

Chad Guzman, AZ PUBLIC SERVICE COMPANY (APS); Kody Kelleher, AZ BOARD OF REGENTS; Megan Martin, SALT RIVER PROJECT (SRP)

Neutral:

Wendy Briggs, TOHONO O'ODHAM NATION; Norris Nordvold, INTER TRIBAL COUNCIL OF ARIZONA; Michael Haener, Partner, SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY; Meghaen Dell'Artino, GILA RIVER INDIAN COMMUNITY

All Comments:

Wendy Briggs, TOHONO O'ODHAM NATION: Neutral with Representative Thorpe's strike everything amendment.; Sabrina Vazquez, UNIVERSITY OF ARIZONA: Support with Rep. Thorpe's strike-everything amendment.; Norris Nordvold, INTER TRIBAL COUNCIL OF ARIZONA: Neutral with Rep Thorpe's Strike Everything amendment.; Alexander Ritchie, Self: On behalf of the San Carlos Apache Tribe, we support this bill.; Kody Kelleher, AZ BOARD OF REGENTS: ABOR supports the strike everything amendment to SB1418. The board opposes the underlying bill.; Michael Haener, SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY: Neutral with Rep. Thorpe strike everything amendment.; Meghaen Dell'Artino, GILA RIVER INDIAN COMMUNITY: With the striker we are neutral

SB1382, committee of reference; standing committee

Support:

Marilyn Purvis, U.S. JUSTICE ACTION NETWORK

All Comments:

Marilyn Purvis, U.S. JUSTICE ACTION NETWORK: We are in support of the Thorpe strike everything amendment.

SB1519, early ballots; collection; receipt

Oppose:

Samantha Pstross, AZ ADVOCACY NETWORK

HM2002, urging Congress; ninth circuit reform

Oppose:

Sandy Bahr, Sierra Club - Grand Canyon Chapter



HOUSE OF REPRESENTATIVES

SB 1418

state museum; fees; rulemaking
Prime Sponsor: Senator Griffin, LD 14

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The proposed strike-everything amendment to SB 1418 establishes a process to adopt fees for services performed by the Arizona State Museum (Museum).

PROVISIONS

1. Requires the Arizona Board of Regents (ABOR) to adopt any fees for services performed by the Museum.
2. Stipulates the Museum Director, before submitting a proposal to ABOR to increase fees, must do the following:
 - a. provide a notice of intent to increase fees on the Museum's website before January 1 that includes a justification, identifies any entity impacted and the instances in which the fees will be assessed;
 - b. submit the proposal to the Secretary of State;
 - c. post the draft proposal on the Museum's website by the second Monday in January;
 - d. provide an opportunity for public comment for at least 30 days;
 - e. post a revised draft proposal on the Museum's website at the end of the comment period, if applicable;
 - f. provide an opportunity for public comment regarding the revised draft proposal for at least 20 days; and
 - g. post on the museum's website a final draft of the proposal and the expected date ABOR will consider the proposed increase within five business days after the end of the public comment period.

CURRENT LAW

The Museum was established in 1893 by the Arizona Territorial Legislature for the collection and preservation of the archeological resources, specimens of the mineral wealth and the flora and fauna of this state. The Museum is the state's official permitting agency for archeological and paleontological projects across the state and is under the direction and management of ABOR (A.R.S. § 15-1631).

ABOR and the institutions under its jurisdiction are exempt from the rulemaking requirements, except that ABOR is required to make policies or rules that provide for notice of and opportunity for comment on the policies or proposed rules, as appropriate under the circumstances (A.R.S. 41-1005).

Attachment 3

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1418

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-1631, Arizona Revised Statutes, is amended to
3 read:

4 15-1631. State museum; fees

5 A. There shall be a state museum for the collection and preservation
6 of the archaeological resources, specimens of the mineral wealth and the
7 flora and fauna of this state.

8 B. The Arizona board of regents shall direct and manage the museum and
9 shall set apart sufficient space to accommodate it.

10 C. THE ARIZONA BOARD OF REGENTS SHALL ADOPT ANY FEES FOR SERVICES
11 PERFORMED BY THE STATE MUSEUM.

12 D. BEFORE SUBMITTING A PROPOSAL TO THE ARIZONA BOARD OF REGENTS TO
13 INCREASE FEES FOR SERVICES, THE DIRECTOR OF THE STATE MUSEUM SHALL:

14 1. PROVIDE NOTICE OF THE INTENT TO INCREASE FEES FOR SERVICES ON THE
15 WEBSITE OF THE STATE MUSEUM BEFORE JANUARY 1. THE NOTICE OF INTENT MUST:

16 (a) INCLUDE A JUSTIFICATION FOR THE FEE INCREASE.

17 (b) SPECIFY ANY ENTITY IMPACTED BY THE FEES AND THE INSTANCES IN WHICH
18 THE FEES WILL BE ASSESSED.

19 2. SUBMIT THE PROPOSAL TO THE SECRETARY OF STATE PURSUANT TO SECTION
20 41-1022.

21 3. POST THE DRAFT OF THE PROPOSAL TO INCREASE FEES FOR SERVICES ON THE
22 WEBSITE OF THE STATE MUSEUM ON OR BEFORE THE SECOND MONDAY OF THE CALENDAR
23 YEAR.

24 4. PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT REGARDING THE PROPOSAL TO
25 INCREASE FEES FOR SERVICES FOR AT LEAST THIRTY DAYS. PUBLIC COMMENT MAY

Attachment 4

| | |
|---|--|
| Adopted <input checked="" type="checkbox"/> | # of Verbals <input type="text"/> |
| Failed <input type="checkbox"/> | Withdrawn <input type="text"/> |
| Not Offered <input type="checkbox"/> | Analysts Initials <input type="text"/> |

1 INCLUDE WRITTEN COMMENTS, COMMENTS SUBMITTED THROUGH E-MAIL AND ORAL
2 COMMENTS.

3 5. IF APPLICABLE, POST ON THE WEBSITE OF THE STATE MUSEUM A REVISED
4 DRAFT OF THE PROPOSAL TO INCREASE FEES FOR SERVICES AT THE END OF THE PUBLIC
5 COMMENT PERIOD.

6 6. PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT REGARDING THE REVISED
7 DRAFT OF THE PROPOSAL TO INCREASE FEES FOR SERVICES FOR AT LEAST TWENTY DAYS.
8 PUBLIC COMMENT MAY BE RESTRICTED TO WRITTEN COMMENTS, COMMENTS SUBMITTED
9 THROUGH E-MAIL AND ORAL COMMENTS.

10 7. NOT LATER THAN FIVE BUSINESS DAYS AFTER THE END OF THE PUBLIC
11 COMMENT PERIOD, POST ON THE WEBSITE OF THE STATE MUSEUM A FINAL DRAFT OF THE
12 PROPOSAL TO INCREASE FEES FOR SERVICES ALONG WITH THE EXPECTED DATE THAT THE
13 ARIZONA BOARD OF REGENTS WILL CONSIDER THE PROPOSED INCREASE."

14 Amend title to conform

BOB THORPE

1418bt.doc
03/15/2016
3:15 PM
C: tdb

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. SB 1418

DATE March 17, 2016 MOTION: DPA SE

| | PASS | AYE | NAY | PRESENT | ABSENT |
|-----------------------------|------|-----|-----|---------|--------|
| Ms. Alston | | ✓ | | | |
| Mr. Larkin | / | ✓ | | | |
| Mr. Lovas | | ✓ | | | |
| Mr. Olson | | ✓ | | | |
| Mr. Petersen | | ✓ | | | |
| Mr. Saldate | | ✓ | | | |
| Ms. Townsend | | | | | ✓ |
| Mr. Ackerley, Vice-Chairman | | ✓ | | | |
| Mr. Thorpe, Chairman | | ✓ | | | |
| | | 8 | 0 | 0 | 1 |

APPROVED:


BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

SB 1166

service animals; certification; registration; identification

Prime Sponsor: Senator McGuire, LD 8

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

SB 1166 modifies statutes relating to service animals in a public place and establishes penalties for fraudulently claiming to be the owner or trainer of a service animal.

PROVISIONS

1. Adds it is not discriminatory to exclude a service animal in a public place if the animal:
 - a. is out of control and the animal's handler does not take effective action to control the animal; or
 - b. is not housebroken.
2. Requires a public place to give an individual asked to remove a service animal the opportunity to return and obtain goods, services or accommodations without the animal on the premises.
3. Specifies a service animal must be *under the control of the service animal's handler* and defines the term.
4. Subjects an individual who fraudulently claims to be the owner or trainer of a service animal through verbal or written notice to:
 - a. a civil penalty of up to \$250 for the first violation; and
 - b. a Class 2 misdemeanor (up to four months in jail, fine up to \$750 plus surcharges) for a second or subsequent violation.
5. Allows a public accommodation to ask what work or task the service animal has been trained to perform in addition to their current authority to ask if the animal is being used because of a disability.
6. Removes, from the definition of *discriminate*, requiring provision of identification for the service animal.
7. Makes technical and conforming changes.

CURRENT LAW

Any person or entity that operates a public place may not discriminate against individuals with disabilities who use service animals if the work or tasks performed by the service animal are directly related to the individual's disability. Violators are guilty of a Class 2 misdemeanor. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks.

It is not discriminatory to exclude a service animal from a public place if one or more of the following apply: 1) the animal poses a direct threat to the health or safety of others; 2) the animal

fundamentally alters the nature of the public place or the goods, services or activities provided; or 3) the animal poses an undue burden. Public places may maintain a general no pets policy if it is not used to exclude service animals and if it does not grant rights to any person to bring the person's pet into a public place that otherwise does not permit pets. A service animal handler is liable for any damage done to a public place by the service animal or service animal in training. Any trainer or individual with a disability may take an animal being trained as a service animal to a public place for purposes of training it.

Discriminate is defined as discriminatory actions and includes: 1) refusing to allow an individual with a disability to enter a public place with a service animal or interfering with the individual's right to enter or use the public place; 2) failing to provide an individual with a disability the same services and access to the same areas of the premises as afforded to others; 3) attempting to impose a charge, fee or deposit because an individual with a disability is accompanied by a service animal; 4) requiring an individual with a disability to disclose disability related information but allows a public accommodation to ask if the animal is a service animal being used because of a disability; or 5) requiring provision of identification for the service animal (A.R.S. § 11-1024).

ADDITIONAL INFORMATION

Under Title III of the Americans with Disabilities Act, a person who owns, leases (or leases to), or operates a place of public accommodation may not discriminate against an individual on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of a place of public accommodation.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1166

(Reference to Senate engrossed bill)

- 1 Page 3, strike line 14, insert:
- 2 "(e) Requiring provision of identification for the service animal."
- 3 Amend title to conform

BOB THORPE

1166THORPE
03/14/2016
05:14 PM
H: SC/rca

| | |
|---|-------------------------|
| Adopted <input checked="" type="checkbox"/> | # of Verbals _____ |
| Failed _____ | Withdrawn _____ |
| Not Offered _____ | Analysts Initials _____ |

Attachment 2

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. SB 1166

DATE March 17, 2016 MOTION: ~~SB 1166~~ ~~DPA~~ failed

| | PASS | AYE | NAY | PRESENT | ABSENT |
|-----------------------------|------|-----|-----|---------|--------|
| Ms. Alston | | | ✓ | | |
| Mr. Larkin | ✓ | | ✓ | | |
| Mr. Lovas | ✓ | | | ✓ | |
| Mr. Olson | | ✓ | | | |
| Mr. Petersen | | ✓ | | | |
| Mr. Saldate | | | ✓ | | |
| Ms. Townsend | | | | | ✓ |
| Mr. Ackerley, Vice-Chairman | ✓ | ✓ | ✓ | | |
| Mr. Thorpe, Chairman | | ✓ | | | |
| | | 3 | 4 | 1 | 1 |

APPROVED:


BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 8



HOUSE OF REPRESENTATIVES

HM 2002

urging Congress; ninth circuit reform

Prime Sponsor: Representative Montenegro, LD 13

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HM 2002 urges the U.S. Congress to enact reform measures for the U.S. Court of Appeals for the Ninth Circuit.

PROVISIONS

1. Implores the U.S. Congress enact reform measures for the U.S. Court of Appeals for the Ninth Circuit.
2. Directs the Secretary of State to transmit copies of this memorial to each member of the U.S. Congress.

CURRENT LAW

Not currently addressed in statute.

ADDITIONAL INFORMATION

In 2009, 29 judgeships were authorized for the U.S. Ninth Circuit Court of Appeals. The mission of the U.S. Ninth Circuit Court of Appeals is to provide an impartial forum for the just and prompt resolution of cases through the uniform and coherent application of the U.S. Constitution and laws.

Attachment 9

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HM 2002

DATE March 17, 2016 MOTION: DP

| | PASS | AYE | NAY | PRESENT | ABSENT |
|-----------------------------|------|-----|-----|---------|--------------|
| Ms. Alston | | | ✓ | | |
| Mr. Larkin | | | ✓ | | |
| Mr. Lovas | | ✓ | | | |
| Mr. Olson | | ✓ | | | |
| Mr. Petersen | | ✓ | ✓ | | ✓ |
| Mr. Saldate | | | ✓ | | |
| Ms. Townsend | | | | | ✓ |
| Mr. Ackerley, Vice-Chairman | | ✓ | | | |
| Mr. Thorpe, Chairman | | ✓ | | | |
| | | 5 | 3 | 0 | 1 |

APPROVED:


BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____

ARIZONA STATE LEGISLATURE
Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION

CHAIRMAN: Bob Thorpe VICE-CHAIRMAN: J. Christopher Ackerley

| DATE | 3/17 /16 | /16 | /16 | /16 | /16 |
|-----------------------------|----------|-----|-----|-----|-----|
| CONVENED | 9:07 AM | m | m | m | m |
| RECESSED | | | | | |
| RECONVENED | | | | | |
| ADJOURNED | 10:54 AM | | | | |
| MEMBERS | | | | | |
| Ms. Alston | ✓ | | | | |
| Mr. Larkin | ✓ | | | | |
| Mr. Lovas | ✓ | | | | |
| Mr. Olson | ✓ | | | | |
| Mr. Petersen | ✓ | | | | |
| Mr. Saldate | ✓ | | | | |
| Ms. Townsend | --- | | | | |
| Mr. Ackerley, Vice-Chairman | ✓ | | | | |
| Mr. Thorpe, Chairman | ✓ | | | | |

✓ Present --- Absent exc Excused

Attachment //